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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VO, THANH DUC

ART UNIT

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2189

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,234

Applicant(s)

NAKAMURA ET AL.

Examiner

Thanh D. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(c)/Mail Date <u>11/9/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Application filed on July 8, 2008.
Claims 1-46 are presented for examination. Claims 1-46 are pending.
2. The IDS filed on November 9, 2006 has been considered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 22-23, 41-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 22-23 and 41-43, the claims are claiming a computer program which directed to a non-statutory subject matter, software per se.

All dependent claims are rejected as having the same deficiencies as the claims they depend from.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
- (2) a patent granted on an application for patent by another filed in the United States before

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the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Hwang et al. (US Pub 2004/0246851).

As per claims 1, 13, 18, 19, 20-25, and 46, Hwang et al. discloses a recording apparatus for recording second information on a write-once recording medium having first information recorded thereon, the recording apparatus comprising:

a host apparatus (Fig. 11, item 29); and

a drive apparatus (Fig. 11, item 21), wherein the host apparatus includes a storage section for storing the second information (wherein it is readily apparent that the data is to be recorded from the host storage system); and

an instruction section for instructing the drive apparatus to record the stored second information on the write-once recording medium (See Fig. 11, item 23),

the drive apparatus includes

a generation section (See Fig. 12B, step 43 and Fig. 11, item 28) for generating correlation information for correlating the first information and the second information (See paragraphs 0059 and paragraph 0063, wherein the DMA and TDMA information is updated so that they're correlate with each other);

a head section (See Fig. 11, wherein the head is writing to the write once disk 22) for recording the second information on the write-once recording medium; and

a control section (See Fig. 11, the control section is attached to the head) for controlling the head section to record the second information and the correlation information on the write-once recording medium. See Fig. 12B, step 41.

It is noted that paragraphs 0059 and 0063 of Hwang et al. further teaches the first information and second information, wherein the first information and second information are residing in the lead-in and lead-out area. This teaching is equivalent to the disclosure on Fig. 1B and its corresponding written description of the current invention. Hence, the recording apparatus of Hwang et al. will record the first and second information accordingly when the invention is viewed as its entirety.

As per independent claim 8, Hwang et al. discloses a host apparatus included in a recording apparatus for recording second information on a write-once recording medium having first information recorded thereon, the recording apparatus further including a drive apparatus for recording correlation information for correlating the first information and the second information and the second information on the write-once recording medium, the host apparatus comprising:

a storage section for storing the second information (See Fig. 11, item 29, wherein a host is to write data to the medium therefore there has to have a storage section); and

an instruction section (See Fig. 11, item 24) for instructing the drive apparatus to record the stored second information on the write-once recording medium.

As per claims 2, 9, and 14, Hwang et al. discloses a recording apparatus according to claim 1, wherein the first information includes file management information, the second information includes update information generated by updating the file management information, the generation section generates first correlation information for correlating the file management information and the update information and the control section controls the head section to record the update information and the first correlation information on the write-once recording medium. See paragraphs 0059 and 0063.

As per claims 3, 6, 10, and 15, Hwang et al. discloses a recording apparatus according to claim 2, wherein the write-once recording medium includes at least one first track (Fig. 4, lead-in area) and at least one second track (Fig. 4, data area) which is different from the at least one first track, the at least one first track is an area for recording the file management information and the at least one second track is an area for recording user data. See Fig. 2 and Fig. 4, wherein the lead-in area is in a different track compares to the user data

area. See paragraph 0057. Although a track is not shown, it is readily apparent to one having an ordinary skill in the art to recognize that the manufactured disk contains plurality of tracks for lead-in area to store the required data information.

As per claims 4, 11, and 16, Hwang et al. discloses a recording apparatus according to claim 2, wherein the host apparatus further includes an obtaining section for obtaining last location information indicating a last location of information recorded on the write-once recording medium (See Fig. 7, ending location); and

a determination section (See Fig. 11, item 28) for determining a recording location of data based on the last location information (See paragraph 0087), and

the control section controls the head section such that the head section records the data at the recording location. See paragraph 0083, wherein it is readily apparent that the header control section has to move the head so that data can be record to disk.

As per claims 5, 12, and 17, Hwang et al. discloses a recording apparatus according to claim 1, wherein the first information further includes management information (See paragraph 0059, lines 10-17), the management information managing the file management information, the second information includes first update information generated by updating the management information and the generation section generates second correlation information for correlating the management information and the first update information, the control section

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controls the head section to record the first update information and the second correlation information on the write-once recording medium. See paragraphs 0095-0096.

As per claims 6 and 15, Hwang et al. discloses a recording apparatus according to claim 5, wherein the write-once recording medium includes at least one first track and at least one second track which is different from the at least one first track, the at least one first track is an area for recording the file management information and the at least one second track is an area for recording user data. See Fig. 2, wherein the lead-in area is in a different track compares to the user data area. See paragraph 0057. Although a track is not shown, it is readily apparent to one having an ordinary skill in the art to recognize that the manufactured disk contains plurality of tracks for lead-in area to store the required data information.

As per claim 7, Hwang et al. discloses a recording apparatus according to claim 5, wherein the host apparatus further includes an obtaining section for obtaining last location information indicating a last location of information recorded on the write-once recording medium (See Fig. 7, ending location); and a determination section for determining a recording location of data based on the last location information (See Fig. 7, ending location, wherein the information is provided so that the controller can detect the last location), and

the control section controls the head section such that the head section records the data at the recording location. See Fig. 8, control section connects to the head to write to the media 22.

As per claims 26, 30, 34, 38, 39, 40-45, Hwang et al. discloses a reproducing apparatus for recording second information on a write-once recording medium having first information recorded thereon, the recording apparatus comprising:

- a host apparatus (Fig. 11, item 29); and

- a drive apparatus (Fig. 11, item 21), wherein the host apparatus includes a storage section for storing the second information (wherein it is readily apparent that the data is to be recorded from the host storage system); and

- an instruction section for instructing the drive apparatus to reproduce the stored second information on the write-once recording medium (See Fig. 11, item 23),

- the drive apparatus includes

- a generation section (See Fig. 12B, step 43 and Fig. 11, item 28) for generating correlation information for correlating the first information and the second information (See paragraphs 0059 and paragraph 0063, wherein the DMA and TDMA information is updated so that they're correlate with each other);

- a head section (See Fig. 11, wherein the head is writing to the write once disk 22) for recording the second information on the write-once recording medium; and

a control section (See Fig. 11, the control section is attached to the head) for controlling the head section to reproduce the second information and the correlation information on the write-once recording medium. See Fig. 12B, step 41.

It is noted that paragraphs 0059 and 0063 of Hwang et al. further teaches the first information and second information, wherein the first information and second information are residing in the lead-in and lead-out area. This teaching is equivalent to the disclosure on Fig. 1B and its corresponding written description of the current invention. Hence, the recording apparatus of Hwang et al. will record the first and second information accordingly when the invention is viewed as its entirety.

As per claims 27 and 35, Hwang et al. discloses a reproducing apparatus, wherein the first information includes file management information, the second information includes update information generated by updating the file management information, the generation section generates first correlation information for correlating the file management information and the update information and the control section controls the head section to reproduce the update information and the first correlation information on the write-once recording medium. See paragraphs 0059, 0063 and 0089.

As per claims 28, 32, and 36, Hwang et al. discloses a reproducing apparatus, wherein the write-once recording medium includes at least one first

track (Fig. 4, lead-in area) and at least one second track (Fig. 4, data area) which is different from the at least one first track, the at least one first track is an area for reproducing the file management information and the at least one second track is an area for recording user data. See Fig. 2 and Fig. 4, wherein the lead-in area is in a different track compares to the user data area. See paragraphs 0057 and 0089. Although a track is not shown, it is readily apparent to one having an ordinary skill in the art to recognize that the manufactured disk contains plurality of tracks for lead-in area to store the required data information.

As per claims 29 and 37 Hwang et al. discloses a reproduction apparatus, wherein the first information further includes management information, the management information managing the file management information, the second information includes first update information generated by updating the management information, second correlation information for correlating the management information and the first update information is recorded on the write-once recording medium and the control section controls the head section to reproduce the first update information from the write-once recording medium based on the second correlation information. See paragraphs 0089 and 0095-0096.

As per claims 31, Hwang et al. discloses a host apparatus according to claim 30, wherein the first information includes file management information and

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the second information includes update information generated by updating the file management information. See paragraphs 0059 and 0063.

As per claim 33, Hwang et al. discloses a host apparatus according to claim 31, wherein the first information further includes management information, the management information managing the file management information and the second information includes first update information generated by updating the management information. See paragraphs 0059 and 0063.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh D. Vo whose telephone number is (571)272-0708. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald G. Bragdon can be reached on 571-272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh D Vo/
Examiner, Art Unit 2189

/Reginald G. Bragdon/
Supervisory Patent Examiner, Art Unit 2189